

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DENZEL HOSEA MARTIN, SPECIAL  
ADMINISTRATOR OF THE ESTATE OF  
WESLIE HOSEA MARTIN,

Plaintiff,

v.

ESQUIVEL, et al.,

Defendants.

Case No. 3:23-cv-00236-ART-CLB

ORDER

Following the death of Weslie Martin, then an inmate in the custody of the Nevada Department of Corrections (“NDOC”), the Court ordered that any motion for substitution be filed within 90 days and warned that the failure to do so could result in dismissal of this case. (ECF No. 15.) Following the 90-day period, on January 18, 2024, the Court had not received a motion to substitute, so it dismissed this action and closed it. (ECF No. 17.) On October 18, 2024, Denzel Hosea Martin (“Denzel”), through counsel, filed a Motion to Set Aside Judgment Pursuant to Rule 60(b) and a Motion for Substitution Pursuant to Rule 25(a)(1). (ECF Nos. 24, 25.) On November 4, 2024, the Court granted Denzel’s motions reopening the case and substituting Denzel as Special Administrator of the Estate of Weslie Hosea Martin as the plaintiff in this matter. (ECF No. 26.)

In the screening order, the Court deferred a decision on Martin’s application to proceed *in forma pauperis* (“IFP”) for inmates. (ECF Nos. 1, 7.) The Court denies Martin’s IFP application as moot. The Court now directs Denzel to file an application to proceed in district court without prepaying fees or costs

1 under 28 U.S.C. § 1915<sup>1</sup> or pay the full filing fee of \$402<sup>2</sup> by Friday, December  
2 13, 2024. If Denzel does not timely comply with this order, dismissal of this action  
3 may result.

4 For the foregoing reasons, it is ordered that the application to proceed *in*  
5 *forma pauperis* for inmates (ECF No. 1) is denied as moot.

6 It is further ordered that within thirty (30) days from the date of this order,  
7 by Friday, December 13, 2024, Denzel will either: (1) file an application to proceed  
8 in district court without prepaying fees or costs under 28 U.S.C. § 1915; or (2)  
9 pay the full filing fee of \$402.

10 It is further ordered that if Denzel does not timely comply with this order,  
11 dismissal of this action may result.

12 DATED THIS 13th day of November, 2024.

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14 ANNE R. TRAUM  
15 UNITED STATES DISTRICT JUDGE  
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25 <sup>1</sup> The application to proceed in district court without prepaying fees or costs is  
26 accessible on the forms section of the U.S. District Court, District of Nevada site  
at: <https://www.nvd.uscourts.gov/court-information/forms/>

27 <sup>2</sup> The filing fee for civil cases increased to \$405 (which includes the \$350 filing  
28 fee and \$55 administrative fee) on December 1, 2023. Martin initiated this action  
on June 2, 2023. (ECF No. 1.) Accordingly, this case is subject to the \$402 filing  
fee.